

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

UNITED STATES OF AMERICA)
)
Petitioner,) 3:98CR7-16-MU
)
) 3:05CV502
v.)
)
JACK PHILIPS) ORDER AND JUDGMENT
)
)
Respondent.)
)

Pursuant to the memorandum opinion entered herein this date,

IT IS ORDERED:

- 1) Defendant's petition for a writ of mandamus (3:98CR7-16-MU, Filing No. 433) is denied;
- 2) Defendant's motion to vacate, set aside, or correct sentence under 28 U.S.C. § 2255 (3:05CV502, Filing No. 1) is denied; and
- 3) Plaintiff's motion to dismiss the defendant's § 2255 petition (3:05CV502, Filing No. 4) is granted.

DATED this 10th day of February, 2006.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court